IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3050 OF 2005

Nikam Kisan Sakharam
and another. ... Petitioners.

V/s.

The Mumbai Metropolitan Region
Development Authority
and another. ... Respondents.

Shri V.R. Tripathi i/b V.R. Tripathi
& Associates for the petitioner.

Shri R.M. Sawant, G.P. for the respondents.

CORAM : V.C.DAGA, J.

DATED : 10th January 2006.

P.C. :
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1. Heard learned Counsel for the petitioner.

Shri Sawant, G.P. waives service on behalf of the

respondents.

2. Rule made returnable forthwith by consent of

parties.

3. The petitioners in this petition has challenged the notice dated 14th September, 2005 issued by respondent No.1 which calls upon them to demolish the impugned structures on the ground that it is unauthorised and illegal building. The only grievance made on behalf of the petitioners is that the petitioners were not given proper hearing by the respondent No.1 and, therefore, they have prayed that the directions be issued to the respondents

that after hearing the petitioners the respondent should pass a reasoned order therein and also to relocate and to rehabilitate the petitioners in the same locality if the respondents desire to demolish the suit premises or any part thereof.

4. In view of the facts and circumstances, I am satisfied that the request made on behalf of the petitioners is reasonable. In view of this situation the show cause notice dated 14th September, 2005 issued by the respondents must be decided with reasonable opportunity of hearing afforded to the petitioners so as to enable them to put up their case before the concerned authority, who may consider their rehabilitation in the said locality if possible and, if any, site is found available. It is submitted on behalf of the petitioners that they have already replied to the impugned show cause notice, the respondents, therefore, shall given proper opportunity to the petitioners and decide the issue involved in the notice within 4 weeks from today. The parties shall maintain status quo pending the hearing by the respondents in this regard and status-quo shall remained continued for two weeks after the order, if it is adverse to the petitioners.

5. With this direction, petition stands disposed of with no order as to costs. Rule stands discharged.

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